

REMARKS/ARGUMENTS

Claim 16 was objected to on the basis that the original language “the ferrous-based coating includes an embrittlement-reducing addition consisting essentially of: yttrium, calcium, titanium, zirconium, hafnium, cerium and lanthanum and mixtures thereof” was indefinite. The Applicant has amended claim 16 to call for “an embrittlement-reducing addition selected from the group consisting essentially of”. The amendment utilizes a traditional “Markush group” transitional phrase that it is believed to overcome the objection to Claim 16.

Claims 1-13 and 15-16 had been rejected under 35 USC 102(e) as being anticipated by Byrnes et al US patent number 6,610,369. The reference Byrnes et al US patent number 6,610,369 and the present invention have common inventors, Larry Byrnes and Martin Kramer. Applicants acknowledge that Byrnes '369 discloses the instant claimed invention. The claimed instant invention was disclosed by the common inventors Larry Byrnes and Martin Kramer in Byrnes et al '369 to meet best mode requirements. As such, the invention disclosed but not claimed in Byrnes et al '369, which is the subject matter of the instant claimed invention, was derived from the inventors of the instant application and thus was not an invention “by another”. Enclosed please find the declarations of Larry Byrnes and Martin Kramer. Withdrawal of the rejection is respectfully requested.

In view of the above amendments and remarks, Applicants respectfully request reconsideration and allowance of the claims now in the case.

Respectfully submitted,



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